

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN STEVEDORING, INC., :  
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Plaintiff, :  
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v. :  
:  
INTERNATIONAL LONGSHOREMAN'S :  
ASSOCIATION, *et al.*, :  
:  
:  
Defendants. :  
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ELECTRONICALLY FILED  
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13 Civ. 0918 (KPF)

ORDER OF  
DISCONTINUANCE

KATHERINE POLK FAILLA, United States District Judge:

By letter dated February 13, 2015, the parties reported to the Court that they have executed a settlement agreement in this case. The parties also reported that the agreement requires the approval of a confidential third party, which is forthcoming. Because of the pending status of that approval, the parties requested that the Court place this matter on the suspense calendar until that approval was obtained. While recognizing that the parties need additional time to obtain this approval thereby finalizing the agreement, the Court declines to suspend this case indefinitely. Accordingly, it is hereby:

ORDERED that this action be conditionally discontinued without prejudice and without costs; provided, however, that within sixty (60) days of the date of this Order, the parties may submit to the Court their own Stipulation of Settlement and Dismissal for the Court to So Order. Otherwise, within such time Plaintiff may apply by letter for restoration of the action to the

active calendar of this Court in the event that the settlement is not consummated. Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not requested restoration of the case to the active calendar within such 60-day period.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

SO ORDERED.

Dated: February 13, 2015  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge